

STATE OF COLORADO
TOWN OF ERIE, COUNTY OF BOULDER
LOST CREEK FARMS METROPOLITAN DISTRICT
2024 BUDGET RESOLUTION

The Board of Directors of the Lost Creek Farms Metropolitan District, Town of Erie, Boulder County, Colorado held a special meeting on Tuesday, October 10, 2023, at the hour of 6:00 P.M., via video conference at <https://us02web.zoom.us/j/7636703470> and via telephone conference at Dial-In: 1-720-707-2699, Meeting ID: 763 670 3470, Participant Code: press #.

The following members of the Board of Directors were present:

President:	David B. Ware
Treasurer:	Brian J. Greenman
Secretary:	Hunter Dalton Grein
Assistant Secretary:	Frederick Goldmeyer
Assistant Secretary:	Fernando Delgado

Also present were: Shannon Smith Johnson, Esq., Icenogle Seaver Pogue, P.C.; Ann Finn, Public Alliance, LLC; Diane Wheeler, Simmons & Wheeler P.C.

Ms. Finn reported that proper notice was made to allow the Board of Directors of the Lost Creek Farms Metropolitan District to conduct a public hearing on the 2024 budget and, prior to the meeting, each of the directors had been notified of the date, time and place of this meeting and the purpose for which it was called. It was further reported that this meeting is a special meeting of the Board of Directors of the District and that a notice of special meeting was posted on the public website of the District, www.lostcreekfarmhoa.com, no less than twenty-four hours prior to the holding of the meeting, and to the best of his knowledge, remains posted to the date of this meeting.

Thereupon, Director Ware introduced and moved the adoption of the following Resolution:

RESOLUTION

A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING A BUDGET, APPROPRIATING SUMS OF MONEY TO EACH FUND IN THE AMOUNTS AND FOR THE PURPOSES SET FORTH HEREIN AND LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2024 TO HELP DEFRAY THE COSTS OF GOVERNMENT FOR THE LOST CREEK FARMS METROPOLITAN DISTRICT, TOWN OF ERIE, BOULDER COUNTY, COLORADO, FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY 2024 AND ENDING ON THE LAST DAY OF DECEMBER 2024.

WHEREAS, the Board of Directors (the "Board") of the Lost Creek Farms Metropolitan District (the "District") has authorized its treasurer and accountant to prepare and submit a proposed budget to said governing body at the proper time; and

WHEREAS, the proposed budget was submitted to the Board for its review and consideration on or before October 15, 2023; and

WHEREAS, the proposed budget is more than fifty thousand dollars (\$50,000.00), due and proper notice was published on Wednesday, September 27, 2023, in the *Colorado Hometown Weekly*, indicating (i) the date and time of the hearing at which the adoption of the proposed budget will be considered; (ii) that the proposed budget is available for inspection by the public at a designated place; (iii) that any interested elector of the District may file any objections to the proposed budget at any time prior to the final adoption of the budget by the District; and (iv) if applicable, the amount of the District's increased property tax revenues resulting from a request to the Division of Local Government pursuant to Section 29-1-302(1), C.R.S.; and an original publisher's Affidavit of Publication is attached hereto as Exhibit A and incorporated herein by this reference; and

WHEREAS, the proposed budget was open for inspection by the public at the designated place; and

WHEREAS, a public hearing was held on Tuesday, October 10, 2023 and interested electors were given the opportunity to file or register any objections to said proposed budget and any such objections were considered by the Board; and

WHEREAS, the budget being adopted by the Board has been prepared based on the best information available to the Board regarding the effects of Section 29-1-301, C.R.S., and Article X, Section 20 of the Colorado Constitution; and

WHEREAS, whatever increases may have been made in the expenditures, like increases were added to the revenues so that the budget remains in balance, as required by law; and

WHEREAS, pursuant to Section 29-1-113(1), C.R.S., the Board shall cause a certified copy of the budget, including the budget message and any resolutions adopting the budget, appropriating moneys and fixing the rate of any mill levy, to be filed with the Division of Local Government within thirty (30) days following the beginning of the fiscal year of the budget adopted; and

WHEREAS, pursuant to Section 32-1-1201, C.R.S., the Board shall determine in each year the amount of money necessary to be raised by taxation, taking into consideration those items required by law, and shall certify the rate so fixed to the board of county commissioners of each county within the District or having a portion of its territory within the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE LOST CREEK FARMS METROPOLITAN DISTRICT, TOWN OF ERIE, BOULDER COUNTY, COLORADO:

Section 1. Summary of 2024 Revenues and 2024 Expenditures. That the estimated revenues and expenditures for each fund for fiscal year 2024, as more specifically set forth in the budget attached hereto as Exhibit B and incorporated herein by this reference, are accepted and approved.

Section 2. Adoption of Budget. That the budget as submitted, and if amended, then as amended, and attached hereto as Exhibit B and is approved and adopted as the budget of the District for fiscal year 2024. In the event the final assessed valuation provided by the Boulder County Assessor's Office differs from the assessed valuation used in the proposed budget, the District's accountant is hereby directed to modify and/or adjust the budget and mill levy certification as needed to reflect the final assessed valuation without the need for additional Board authorization.

Section 3. Senate Bill 23-303 and Proposition HH. That the passage of Proposition HH at the November 7, 2023 general election would result in the implementation of various provisions of Senate Bill 23-303 which will impact the District's budget, including, but not limited to, the addition of Section 29-1-306, C.R.S., which limits the increase in the District's property tax revenue to no more than a prescribed inflation amount subject to exclusion of revenue from certain sources. That, as part of the preparation of the proposed budget and [as included in Exhibit B], the District's accountant calculated the "property tax limit" as defined in and in the manner set forth in Section 29-1-306, C.R.S. and has determined that the District's property tax revenue for property tax year 2023 will not increase by more than "inflation" (as defined in in Section 29-1-306(1)(a), C.R.S.) from the District's property tax revenue for the property tax year 2022 and therefore the property tax limit will not be exceeded by imposition of the mill levies included in the budget of the District for fiscal year 2024. In performing the property tax limit calculation, the District has directed that for purposes of Section 29-1-306(2)(b), C.R.S. the most recently published estimate of inflation for the 2022 calendar year available at the time of preparation of the 2024 budget be utilized by the District's accountant. Finally, that the due to the timing of the November 7, 2023 general election and the requirement that the District be provided a proposed budget for its review and consideration on or before October 15, 2023, the District's accountant

has made a good faith effort and used the best information available at the time of preparation of the budget to provide the District with alternative scenarios showing a proposed budget and mill levies for fiscal year 2024 in the event that Proposition HH passes and alternatively in the event that Proposition HH does not pass. Due to the uncertainty of the outcome of the passage of Proposition HH and the significant possibility that the final assessed valuations differ from the preliminary assessed valuations, once the outcome of Proposition HH is known and the final assessed valuations are provided by the Boulder County Assessor's Office, the District's accountant is hereby directed to modify and/or adjust the budget and mill levy certification as needed to reflect the final assessed valuation without the need for additional Board authorization.

Section 4. Appropriations. That the amounts set forth as expenditures and balances remaining, as specifically allocated in the budget attached, are hereby appropriated from the revenue of each fund to each fund, for the purposes stated and no other.

Section 5. Budget Certification. That the budget shall be certified by Dalton Grein, Secretary of the District, and made a part of the public records of the District and a certified copy of the approved and adopted budget shall be filed with the Division of Local Government.

Section 6. 2024 Levy of General Property Taxes. That the attached budget indicates that the amount of money from general property taxes necessary to balance the budget for the General Fund for operating expenses is \$33,421 and that the 2023 valuation for assessment, as certified by the Boulder County Assessor, is \$3,197,864. That for the purposes of meeting all general operating expenses of the District during the 2024 budget year, there is hereby levied a tax of 10.451 mills upon each dollar of the total valuation of assessment of all taxable property within the District for the year 2024.

Section 7. 2024 Levy of Debt Retirement Expenses. That the attached budget indicates that the amount of money from general property taxes necessary to balance the budget for the Debt Service Fund for debt retirement expense is \$91,913 and that the 2023 valuation for assessment, as certified by the Boulder County Assessor, is \$3,197,864. That for the purposes of meeting all debt retirement expenses of the District during the 2024 budget year, there is hereby levied a tax of 28.742 mills upon each dollar of the total valuation of assessment of all taxable property within the District for the year 2024.

Section 8. 2024 Mill Levy Adjustment. The Board may adjust the mill levy, as specifically set forth in the District's Service Plan (the "Adjusted Mill Levy"). The Board hereby determines in good faith to establish the Adjusted Mill Levy as set forth in the mill levy certification attached hereto as Exhibit C pursuant to the authority granted by its Service Plan to ensure that the District's revenues shall be neither diminished nor enhanced as a result of the changes effecting the mill levy. Subject to adjustment and finalization by the District's accountant in accordance with Sections 2 and 3 hereof, the Board further authorizes that the Adjusted Mill Levy be reflected in the District's Certification of Tax Levies to be submitted to the Board of County Commissioners of Boulder County on or before December 15, 2023, for collection in 2024.

Section 9. Certification to County Commissioners. That the Board Secretary and/or District's accountant are hereby authorized and directed to immediately certify to the Board of County Commissioners of Boulder County, the mill levy for the District hereinabove determined and set. That said certification shall be in substantially the following form attached hereto as Exhibit C and incorporated herein by this reference.

[The remainder of this page is intentionally left blank.]

The foregoing Resolution was seconded by Director Delgado.

RESOLUTION APPROVED AND ADOPTED THIS 10TH DAY OF OCTOBER 2023.

LOST CREEK FARMS METROPOLITAN DISTRICT

DocuSigned by:
David Ware
6E5D499BDB7747B...

By: David B. Ware
Its: President

ATTEST:

DocuSigned by:
Dalton Grein
C4767B2A965F4C0...

By: Dalton Grein
Its: Secretary

STATE OF COLORADO
TOWN OF ERIE, COUNTY OF BOULDER
LOST CREEK FARMS METROPOLITAN DISTRICT

I, Dalton Grein, hereby certify that I am a director and the duly elected and qualified Secretary of the Lost Creek Farms Metropolitan District, and that the foregoing constitutes a true and correct copy of the record of proceedings of the Board of Directors of the District, adopted at a special meeting of the Board of Directors of the Lost Creek Farms Metropolitan District held on October 10, 2023, via video conference at <https://us02web.zoom.us/j/7636703470> and via telephone conference at Dial-In: 1-720-707-2699, Meeting ID: 763 670 3470, Participant Code: press #, as recorded in the official record of the proceedings of the District, insofar as said proceedings relate to the budget hearing for fiscal year 2024; that said proceedings were duly had and taken; that the meeting was duly held; and that the persons were present at the meeting as therein shown.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of the District this 10th day of October 2023.

DocuSigned by:

Dalton Grein

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Dalton Grein, Secretary



EXHIBIT A

Affidavit
Notice as to Proposed 2024 Budget

NOTICE AS TO PROPOSED 2024 BUDGET AND HEARING
LOST CREEK FARMS METROPOLITAN DISTRICT

NOTICE IS HEREBY GIVEN that a proposed budget has been submitted to the LOST CREEK FARMS METROPOLITAN DISTRICT for the ensuing year of 2024. A copy of such proposed budget has been filed in the office Simmons and Wheeler, P.C., 304 Inverness Way South, Suite 490, Englewood, Colorado, where same is open for public inspection. Such proposed budget will be considered at a hearing at the special meeting of the Lost Creek Farms Metropolitan District to be held at 6:00 P.M., on Tuesday, October 10, 2023. The meeting will be held via video conference at <https://us02web.zoom.us/j/7636703470> and via telephone conference at (720) 707-2699. Meeting ID: 763 670 3470, Participant Code: press #. Any interested elector within the Lost Creek Farms Metropolitan District may inspect the proposed budget and file or register any objections at any time prior to the final adoption of the 2024 budget.

BY ORDER OF THE BOARD OF DIRECTORS:
LOST CREEK FARMS METROPOLITAN DISTRICT

By: /s/ ICENOGLIE | SEAVER | POGUE
A Professional Corporation

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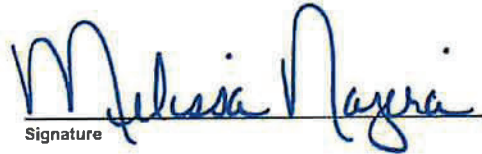
PUBLISHER'S AFFIDAVIT

County of Boulder
State of Colorado

The undersigned, Agent, being first duly sworn under oath, states and affirms as follows:

1. He/she is the legal Advertising Reviewer of Prairie Mountain Media LLC, publisher of the *Colorado Hometown*.
2. The *Colorado Hometown* is a newspaper of general circulation that has been published continuously and without interruption for at least fifty-two weeks in Boulder County and meets the legal requisites for a legal newspaper under Colo. Rev. Stat. 24-70-103.
3. The notice that is attached hereto is a true copy, published in the *Colorado Hometown* in Boulder County on the following date(s):

Sep 27, 2023


Signature

Subscribed and sworn to me before me this
27th day of September 2023.


Notary Public

(SEAL)

SHAYLA NAJERA
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20174031965
MY COMMISSION EXPIRES July 31, 2025

Account: 1051343
Ad Number: 2004700
Fee: \$26.10

EXHIBIT B

Budget Document
Budget Message

LOST CREEK FARMS METRO DISTRICT
2024
BUDGET MESSAGE

Attached please find a copy of the adopted 2024 budget for the Lost Creek Farms Metro District.

The Lost Creek Farms Metro District has adopted budgets for two funds, a General Fund to provide for general operating expenditures; and a Debt Service Fund to provide for payments on the general obligation debt.

The district's accountants have utilized the modified accrual basis of accounting, and the budget has been adopted after proper postings, publications, and public hearing.

The primary sources of revenue for the district in 2024 will be property taxes and specific ownership taxes. The district has imposed a 39.193 mill levy on all property within the district for 2024, of which 10.451 mills will be dedicated to the General Fund and the balance of 28.742 mills will be allocated to the Debt Service Fund.

Lost Creek Farms Metro District
Adopted Budget
General Fund
For the Year ended December 31, 2024

	Actual <u>2022</u>	Adopted Budget <u>2023</u>	Actual <u>06/30/23</u>	Estimated <u>2023</u>	Adopted Budget <u>2024</u>
Beginning fund balance	\$ -	\$ -	\$ -	\$ -	\$ 4,955
Revenues:					
Property Taxes	15,151	31,369	31,501	31,500	33,421
Specific ownership taxes	702	1,882	697	1,200	2,006
Developer advances	<u>5,984</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Total revenues	<u>21,837</u>	<u>33,251</u>	<u>32,198</u>	<u>32,700</u>	<u>35,427</u>
Total funds available	<u>21,837</u>	<u>33,251</u>	<u>32,198</u>	<u>32,700</u>	<u>40,382</u>
Expenditures:					
Accounting / audit	6,354	6,000	3,561	8,500	7,500
Insurance/SDA dues	2,274	2,600	2,337	2,400	2,800
Legal	7,504	7,500	3,526	8,500	8,500
Management	4,168	3,500	2,194	5,000	5,500
County Treasurer fees	227	1,593	471	1,595	1,880
Election	1,194	2,500	1,484	1,500	-
Miscellaneous	116	100	37	250	100
Contingency		8,734	-		13,304
Emergency reserve (3%)	<u>-</u>	<u>724</u>	<u>-</u>	<u>-</u>	<u>798</u>
Total expenditures	<u>21,837</u>	<u>33,251</u>	<u>13,610</u>	<u>27,745</u>	<u>40,382</u>
Ending fund balance	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 18,588</u>	<u>\$ 4,955</u>	<u>\$ -</u>
Assessed valuation		<u>\$ 2,412,968</u>			<u>\$ 3,197,864</u>
Mill Levy		<u>13.000</u>			<u>10.451</u>

**Lost Creek Farms Metro District
Adopted Budget
Debt Service Fund
For the Year ended December 31, 2024**

	Actual <u>2022</u>	Adopted Budget <u>2023</u>	Actual <u>06/30/23</u>	Estimated <u>2023</u>	Adopted Budget <u>2024</u>
Beginning fund balance	\$ 19,383	\$ 40,237	\$ 29,843	\$ 29,843	\$ 15,486
Revenues:					
Property taxes	83,153	74,802	74,802	74,802	91,913
Specific ownership taxes	3,856	5,984	1,663	3,200	7,352
Bond Proceeds	-	-	-	-	-
Interest income	865	-	1,273	2,000	2,000
	<u>87,874</u>	<u>80,786</u>	<u>77,738</u>	<u>80,002</u>	<u>101,265</u>
Total revenues					
	<u>87,874</u>	<u>80,786</u>	<u>77,738</u>	<u>80,002</u>	<u>101,265</u>
Total funds available	<u>107,257</u>	<u>121,023</u>	<u>107,581</u>	<u>109,845</u>	<u>116,751</u>
Expenditures:					
Loan interest expense	57,150	47,264	23,632	47,264	46,164
Loan Principal	5,000	42,000	-	42,000	45,000
Cost of Issuance	14,017	-	-	-	-
Treasurer's fees	1,247	1,593	1,122	1,595	1,880
Trustee / paying agent fees	-	6,000	-	3,500	3,500
	<u>77,414</u>	<u>96,857</u>	<u>24,754</u>	<u>94,359</u>	<u>96,544</u>
Total expenditures					
	<u>77,414</u>	<u>96,857</u>	<u>24,754</u>	<u>94,359</u>	<u>96,544</u>
Ending fund balance	\$ 29,843	\$ 24,166	\$ 82,827	\$ 15,486	\$ 20,207
Assessed valuation		<u>\$ 2,412,968</u>			<u>\$ 3,197,864</u>
Mill Levy		<u>31.000</u>			<u>28.742</u>
Total Mill Levy		<u>44.000</u>			<u>39.193</u>

EXHIBIT C

Certification of Tax Levy

CERTIFICATION OF TAX LEVIES for NON-SCHOOL Governments

TO: County Commissioners¹ of Boulder County, Colorado.

On behalf of the Lost Creek Farms Metropolitan District,
 (taxing entity)^A

the Board of Directors
 (governing body)^B

of the Lost Creek Farms Metropolitan District
 (local government)^C

Hereby officially certifies the following mills to be levied against the taxing entity's GROSS \$ 3,197,864 assessed valuation of: (GROSS^D assessed valuation, Line 2 of the Certification of Valuation Form DLG 57^E)

Note: If the assessor certified a NET assessed valuation (AV) different than the GROSS AV due to a Tax Increment Financing (TIF) Area^F the tax levies must be calculated using the NET AV. The taxing entity's total property tax revenue will be derived from the mill levy multiplied against the NET assessed valuation of: \$ 3,197,864 (NET^G assessed valuation, Line 4 of the Certification of Valuation Form DLG 57)
USE VALUE FROM FINAL CERTIFICATION OF VALUATION PROVIDED BY ASSESSOR NO LATER THAN DECEMBER 10

Submitted: 01/09/2024 for budget/fiscal year 2024.
 (not later than Dec. 15) (mm/dd/yyyy) (yyyy)

PURPOSE (see end notes for definitions and examples)	LEVY ²	REVENUE ²
1. General Operating Expenses ^H	<u>10.451</u> mills	\$ <u>33,421</u>
2. <Minus> Temporary General Property Tax Credit/ Temporary Mill Levy Rate Reduction ^I	< > mills	\$ < >
SUBTOTAL FOR GENERAL OPERATING:	10.451 mills	\$ 33,421
3. General Obligation Bonds and Interest ^J	<u>28.742</u> mills	\$ <u>91,913</u>
4. Contractual Obligations ^K	_____ mills	\$ _____
5. Capital Expenditures ^L	_____ mills	\$ _____
6. Refunds/Abatements ^M	_____ mills	\$ _____
7. Other ^N (specify): _____	_____ mills	\$ _____
	_____ mills	\$ _____
TOTAL: [Sum of General Operating Subtotal and Lines 3 to 7]	39.193 mills	\$ 125,334

Contact person: Diane Wheeler Daytime phone: (303) 689-0833
 (print)
 Signed: Diane K Wheeler Title: District Accountant

Include one copy of this tax entity's completed form when filing the local government's budget by January 31st, per 29-1-113 C.R.S., with the Division of Local Government (DLG), Room 521, 1313 Sherman Street, Denver, CO 80203. Questions? Call DLG at (303) 866-2156.

¹ If the taxing entity's boundaries include more than one county, you must certify the levies to each county. Use a separate form for each county and certify the same levies uniformly to each county per Article X, Section 3 of the Colorado Constitution.
² Levies must be rounded to three decimal places and revenue must be calculated from the total NET assessed valuation (Line 4 of Form DLG57 on the County Assessor's final certification of valuation).

CERTIFICATION OF TAX LEVIES, continued

THIS SECTION APPLIES TO TITLE 32, ARTICLE 1 SPECIAL DISTRICTS THAT LEVY TAXES FOR PAYMENT OF GENERAL OBLIGATION DEBT (32-1-1603 C.R.S.).

Taxing entities that are Special Districts or Subdistricts of Special Districts must certify separate mill levies and revenues to the Board of County Commissioners, one each for the funding requirements of each debt (32-1-1603, C.R.S.) Use additional pages as necessary. The Special District's or Subdistrict's total levies for general obligation bonds and total levies for contractual obligations should be recorded on Page 1, Lines 3 and 4 respectively.

CERTIFY A SEPARATE MILL LEVY FOR EACH BOND OR CONTRACT:

BONDS^J:

1.	Purpose of Issue:	\$1,809,000 Series 2021 Loan
	Series:	2021
	Date of Issue:	December 8, 2021
	Coupon Rate:	2.6201%
	Maturity Date:	December 1, 2041
	Levy:	28.742
	Revenue:	\$91,913

2.	Purpose of Issue:	_____
	Series:	_____
	Date of Issue:	_____
	Coupon Rate:	_____
	Maturity Date:	_____
	Levy:	_____
	Revenue:	_____

CONTRACTS^K:

3.	Purpose of Contract:	_____
	Title:	_____
	Date:	_____
	Principal Amount:	_____
	Maturity Date:	_____
	Levy:	_____
	Revenue:	_____

4.	Purpose of Contract:	_____
	Title:	_____
	Date:	_____
	Principal Amount:	_____
	Maturity Date:	_____
	Levy:	_____
	Revenue:	_____

Use multiple copies of this page as necessary to separately report all bond and contractual obligations per 32-1-1603, C.R.S.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Lost Creek Farms Metropolitan District of the Town of Erie, Boulder County, Colorado on this 10th day of October 2023.

DocuSigned by:

Dalton Grein

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Dalton Grein, Secretary

